

House File 216 - Enrolled

House File 216

AN ACT

RELATING TO PATERNITY IN CERTAIN ACTIONS BEFORE THE JUVENILE COURT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 232.2, subsection 44, Code 2023, is amended to read as follows:

44. *Parent* means a biological or adoptive mother or father of a child; or a father whose paternity has been established by one of the methods enumerated in section 252A.3, subsection 10, or by operation of law due to the individual's established father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child, by order of a court of competent jurisdiction, or by administrative order when authorized by state law. *Parent* does not include a mother or father whose parental rights have been terminated or a father whose paternity has been overcome pursuant to section 232.3A.

Sec. 2. NEW SECTION. 232.3A Authority relating to action to overcome paternity in a child in need of assistance or termination of parental rights proceeding.

1. During an action under subchapter III, child in need of assistance proceedings, or subchapter IV, termination of parent-child relationship proceedings of this chapter, the court may on its own motion or that of any party, require the child and established father of the child to submit to blood or genetic testing in accordance with the procedures and method

prescribed under section 600B.41 to overcome the paternity of the established father.

2. The juvenile court may enter an order overcoming paternity of an established father pursuant to section 600B.41A if all of the following conditions are met:

a. The child has been adjudicated a child in need of assistance in an active juvenile court case and a dispositional order in that case is in place.

b. Paternity of the child has been legally established, including by one of the methods enumerated in section 252A.3, subsection 10, or by operation of law due to the established father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and the birth of the child.

c. Pursuant to section 600B.41, the conclusion of the expert as disclosed by the evidence based upon blood or genetic testing demonstrates that the established father is not the biological father of the child.

d. The established father agrees that the established father's paternity should be overcome or the established father objects to having his paternity overcome but the court finds that it is in the best interest of the child to overcome the established father's paternity.

3. When the criteria specified in subsection 2 are met, the juvenile court shall enter an order overcoming paternity, and shall send a copy of the order to the clerk of the district court. The juvenile court shall designate the petitioner and respondent for the purposes of the order.

4. Upon receipt of the order by the district court, the clerk of the district court shall docket the case. Filing fees and other court costs shall not be assessed against the parties.

5. The district court shall take judicial notice of the juvenile file in any hearing related to the case. Records contained in the district court case file that were copied or transferred from the juvenile court file concerning the case shall be subject to section 232.147 and other confidentiality provisions of this chapter for cases not involving juvenile delinquency, and shall be disclosed, upon request, to the child

support recovery unit without a court order.

6. If paternity testing is completed and the established father is not excluded as the biological father of the child, the juvenile court shall find the established father to be the biological father of the child and a necessary party to the action.

7. Nothing in this section shall be construed to require appointment of counsel for the parties in the district court action.

Sec. 3. Section 232.103A, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. Paternity of the child has been legally established by one of the methods enumerated in section 252A.3, subsection 10, including or by operation of law due to the individual's established father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child, by order of a court of competent jurisdiction, or by administrative order when authorized by state law.

Sec. 4. Section 252A.6A, subsection 2, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) ~~If the prior determination of paternity is based on an affidavit of paternity filed pursuant to [section 252A.3A](#), or an administrative order entered pursuant to [chapter 252F](#) has been legally established by one of the methods enumerated in section 252A.3, subsection 10, or an order by the courts of this state, or by operation of law when the mother and due to the established father are or were married to each other father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child,~~ the provisions of [section 600B.41A](#) are applicable.

Sec. 5. Section 252A.6A, subsection 2, paragraph b, Code 2023, is amended to read as follows:

b. ~~If~~ Notwithstanding paragraph "a", subparagraph (1), if the prior determination of paternity is based on an administrative or court order or by any other means, pursuant to the laws of another state or foreign country, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the party requests and is granted a

stay of an action to establish child or medical support, the action shall proceed as otherwise provided.

Sec. 6. Section 252C.4, subsection 7, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) ~~If the prior determination of paternity is based on an affidavit of paternity filed pursuant to [section 252A.3A](#), or an administrative order entered pursuant to [chapter 252F](#) has been legally established by one of the methods enumerated in section 252A.3, subsection 10, or an order by the courts of this state, or by operation of law when the mother and due to the established father are or were married to each other father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child,~~ the provisions of [section 600B.41A](#) are applicable.

Sec. 7. Section 252C.4, subsection 7, paragraph b, Code 2023, is amended to read as follows:

b. ~~If~~ Notwithstanding paragraph "a", subparagraph (1), if the prior determination of paternity is based on an administrative or court order or other means, pursuant to the laws of another state or foreign country, an action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless the responsible person requests and is granted a stay of an action initiated under [this chapter](#) to establish child or medical support, the action shall proceed as otherwise provided by [this chapter](#).

Sec. 8. Section 598.21E, subsection 1, paragraph a, subparagraph (1), Code 2023, is amended to read as follows:

(1) ~~If the prior determination of paternity is based on an affidavit of paternity filed pursuant to [section 252A.3A](#), or a court or administrative order entered in this state has been legally established by one of the methods enumerated in section 252A.3, subsection 10, or by operation of law when the mother and due to the established father are or were married to each other father's marriage to the mother at the time of conception, birth, or at any time during the period between conception and birth of the child,~~ the provisions of section 600B.41A apply.

Sec. 9. Section 598.21E, subsection 1, paragraph b, Code 2023, is amended to read as follows:

b. If Notwithstanding paragraph "a", subparagraph (1), if a determination of paternity is based on an administrative or court order or other means pursuant to the laws of another state or foreign country as defined in [chapter 252K](#), any action to overcome the prior determination of paternity shall be filed in that jurisdiction. Unless a stay of the action initiated in this state to establish child or medical support is requested and granted by the court, pending a resolution of the contested paternity issue by the other state or foreign country as defined in [chapter 252K](#), the action shall proceed.

Sec. 10. Section 600B.41A, subsection 1, Code 2023, is amended to read as follows:

1. Paternity which is legally established may be overcome as provided in [this section](#) if subsequent blood or genetic testing indicates that the previously established father of a child is not the biological father of the child. Unless otherwise provided in [this section](#), [this section](#) applies to the overcoming of paternity which has been established ~~according to any of the means provided by one of the methods enumerated in [section 252A.3, subsection 10](#), or by operation of law when due to the established father and father's marriage to the mother of the child are or were married to each other, or as determined by a court of this state under any other applicable chapter at the time of conception, birth, or at any time during the period between conception and birth of the child.~~

Sec. 11. Section 600B.41A, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. Establishment of paternity may be overcome under this section by a juvenile court pursuant to section 232.3A if all of the following conditions are met:

a. Paternity of a child is contested during an active child in need of assistance proceeding and the child is under the jurisdiction of the juvenile court at the time an order overcoming paternity is entered.

b. A guardian ad litem is appointed for the child.

c. Notice of the action to overcome paternity is served on any parent of the child in accordance with chapter 232 and if enforcement services are being provided by the child support recovery unit pursuant to chapter 252B, notice shall also be

served on the child support recovery unit.

d. Blood or genetic testing is conducted in accordance with sections 232.3A and 600B.41.

(1) Unless otherwise specified pursuant to subsection 2 or 9, blood or genetic testing shall be conducted in an action to overcome the establishment of paternity in the child in need of assistance proceeding.

(2) Unless otherwise specified in this section, section 600B.41 applies to blood or genetic testing conducted as the result of an action brought to overcome paternity.

(3) The juvenile court may order additional testing to be conducted by the expert or an independent expert in order to confirm a test upon which an expert concludes that the established father is not the biological father of the child.

e. The juvenile court finds all of the following, as applicable:

(1) That the conclusion of the expert as disclosed by the evidence based upon blood or genetic testing demonstrates that the established father is not the biological father of the child.

(2) If paternity was established pursuant to section 252A.3A, the signed affidavit was based on fraud, duress, or material mistake of fact.

(3) The established father agrees that his paternity should be overcome or the juvenile court finds it is in the best interest of the child that the established father's paternity be overcome despite the established father's objection.

Sec. 12. Section 600B.41A, subsection 4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

If the court finds that the establishment of paternity is overcome, in accordance with all of the conditions prescribed under subsection 3 or 3A, the court shall enter an order which provides all of the following:

Sec. 13. Section 602.6306, subsection 2, Code 2023, is amended to read as follows:

2. District associate judges also have jurisdiction in civil actions for money judgment where the amount in controversy does not exceed ten thousand dollars; jurisdiction over involuntary commitment, treatment, or hospitalization

proceedings under [chapters 125](#) and [229](#); jurisdiction of indictable misdemeanors, class "D" felony violations, and other felony arraignments; jurisdiction to enter a temporary or emergency order of protection under [chapter 235F](#) or [236](#), and to make court appointments and set hearings in criminal matters; jurisdiction to enter orders in probate which do not require notice and hearing and to set hearings in actions under [chapter 633](#) or [633A](#); and the jurisdiction provided in [section 232.3A, 600.41A, or 602.7101](#) when designated as a judge of the juvenile court. While presiding in these subject matters a district associate judge shall employ district judges' practice and procedure.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 216, Ninetieth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2023

KIM REYNOLDS
Governor